Ottorney's Docket No.: 006404.P013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Not Yet Assigned

Not Yet Assigned

Art Unit:

In re Patent Application of:

Gek Hoon Quat, et al.

Application No.: 10/734,710

Filing Date: December 12, 2003

CONNECTION FOR AUDIO

TRANSFER

For:

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION ASSERTING SUBMISSION OF FILING DOCUMENTS

This is a petition to rescind the Notice of Incomplete Nonprovisional Application filed under 37 CFR § 1.53(b) which was mailed to Applicant on March 30, 2004.

Applicant believes the Notice of Incomplete Nonprovisional Application was mailed in error according to the facts listed below and the attached documents.

1. On December 12, 2003, Applicant filed a Utility Patent Application. The application package included a Utility Application Transmittal (in duplicate), a Fee Transmittal (in duplicate), the application (specification) (10 pages), drawings (four sheets), a Declaration and Power of Attorney signed by the inventors, an Assignment signed by the inventors and an appropriate cover sheet, our Check Nos. 61710 and 61711 in the amounts of \$896.00 and \$40.00 in payment for the application filing fee and assignment recordation fee, respectively, and a return receipt postcard. The attorney

for Applicant carefully checks each set of application documents being sent to the U.S. Patent Office to ensure that all documentation is enclosed before it is put into the Express Mail envelope.

- 2. The Express Mail Receipt for this application was dated by the U.S. Postal Service as being received on December 12, 2003 (please see "Date In" box on the Express Mail Receipt). In addition, the postcard that accompanied this application was datestamped by the Patent Office mail room as being received on December 12, 2003 and the serial number of 10/734,710 was assigned to this application. The date-stamped postcard includes the item noted as "Application Utility (10 pgs., with cover sheet and abstract)." Please note that the Express Mail Airbill Number "EV 336589202 US" is the same number that appears on the postcard and also on the Utility Patent Application transmittal form. A copy of the Express Mail Receipt and a copy of the return receipt postcard with the serial number sticker are attached hereto as Exhibits A and B.
- 3. Nearly four months later, Applicant has now received a Notice of Incomplete Nonprovisional Application for Serial No. 10/734,710 which was mailed from the Patent Office on March 30, 2004. The Notice indicates that the specification is missing, and that the original filing date has not been accorded to these application papers. A copy of the Notice of Incomplete Nonprovisional Application is attached hereto as Exhibit C.

Applicant petitions the Patent Office to rescind the Notice of Incomplete

Nonprovisional Application and to reinstate the original filing date of December 12,

2003. It is clear from the attached documents that Applicant filed the Utility application

with the specification enclosed, and the specification has apparently been misplaced

during processing by the Patent Office. Enclosed in response to a telephone call with the Patent Office today are duplicate copies of the specification and figures, as well as a check in the amount of \$130.00 in payment for the petition fee under 37 CFR § 1.17(h). According to the information received today, a new Declaration is not required with this Petition.

Applicant also requests a refund of the petition fee, as the application is entitled to the original filing date.

If there are any additional fees, please charge them to Deposit Account 02-2666. If you have any questions, please contact the undersigned.

> Respectfully submitted, BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Stephen M. De Klerk Reg. No. 46,503

12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (408) 720-8300

Dated: <u>April 6, 2004</u>

First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as firstclass mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

April 6, 2004 Date of Deposit Linda K. Brost Name of Person Mailing Correspondence Sunda K Brost

<u>April 6, 2004</u>

Date



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/734,710

12/12/2003

Gek Hoon Quat

006404.P013

CONFIRMATION NO. 2360

FORMALITIES LETTER

OC000000012220263

Date Mailed: 03/30/2004

Stephen M. De Klerk BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor

12400 Wilshire Boulevard Los Angeles, CA 90025

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

APR 1 2 2004

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

 The specification is missing. A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



ExhibitA

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Exhibit B

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Ser	rial/Patent No.: Not Yet Assigned	_ Filing/Issue Date:	Herewith	
	ent: Creative Technolo	ogy Limited		
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	te Mailed: December 12, 2003	Docket Due Date:	***	
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In	e following has been received in the U.S. Par	Express Mail No.: EV3365	89202US Check No. 61710	
Ш	Amendment/Response (pgs.)			
- 🗆	Appeal Brief (pgs.) (in triplicate)	Month(s) Extension	61711	
	Application - Utility (_10 pgs., with cover and abstract)	Information Disclosure Statement & PT		
	Application - Rule 1.53(b) Continuation (pgs.)	☐ ∶ Issue Fee Transmittal	Amt: 940.00	
	Application - Rule 1.53(b) Divisional (pgs.)	Notice of Appeal		
	Application - Rule 1.53(b) CIP (pgs.)	☐ Petition for Extension of Time		
	Application - Rule 1.53(d) CPA Transmittal (pgs.)	Petition for	22387 U.S. PTO	
$\bar{\Box}$	Application - Design (pgs.)	Postcard	10/734710	
$\overline{\Box}$	Application - PCT (pgs.)	Power of Attorney (pgs.)	1 (BB(B)) (B) (198) (181) (181) cores em eser	
$\overline{\Box}$	Application - Provisional (pgs.)	Preliminary Amendment (pgs.)	
. =	Assignment and Cover Sheet (3 pgs.)	Reply Brief (pgs.)	121203	
=	Certificate of Mailing	☐ Response to Notice of Missing P.		
	Declaration & POA (4 pgs.) (signed)	☐ Small Entity Declaration for Inde		
	•		(2 pgs.)	
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